UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/537,213	06/02/2005	Guy Patrick Hindle	GB920020006US1	4682

50170   7590   03/10/2010
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EXAMINER
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ART UNIT	PAPER NUMBER
2156	

MAIL DATE	DELIVERY MODE
03/10/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _29 January 2010_.
2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1-5 and 24-31_ is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) _1-5 and 24-31_ is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a) ☐ All   b) ☐ Some * c) ☐ None of:
      1. ☐ Certified copies of the priority documents have been received.
      2. ☐ Certified copies of the priority documents have been received in Application No. _____.
      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _7/12/06, 11/11/08, 2/20/08, 1/28/2010_.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

This action is issued in response to amendment filed 2/20/09

Claims 1-5 were amended. Claims 6-23 were canceled. Claims 24-31 were added.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, line 4 recites the limitation "executing, by said second non-legacy computer, at least one operation on said copy of the master data". It is unclear to the examiner if the master version is stored on the legacy computer how would the non-legacy computer execute an operation, since the body of the claims does not clearly show how the legacy and non-legacy computer(s) communicate. Appropriate clarification is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gehman et al.

(Gehman hereinafter) US Patent No. 7,136,881 filed Dec. 15, 2000 in view of Grimsrud US

Patent No. 6,546,437 filed March 18, 1999.

Regarding Claim 1, Gehman discloses a method of synchronizing data in a distributed

data processing system comprising:

storing a master data in at least one legacy computer system (Fig. 2, step 40, event master

server, Col. 2, lines 6, Gehman);

enabling a first non-legacy computer to support synchronization (Col. 2, line 48, client

server, Gehman);

storing a copy of the master data in a second non-legacy computer (Col. 2, lines 51-52,

Gehman);

executing, by said second non-legacy computer, at least one operation (Col. 3, lines 44-

46, Gehman);

sending, by said second non-legacy computer, said at least one operation to said first non-

legacy computer (Col. 3, lines 46-53, Gehman);

replaying, by said first non-legacy computer, said at least one operation on said master

data at said at least one legacy computer (Col. 3, lines 59-64, Gehman);

determining whether the at least one operation is successful (Fig. 3B, step 96, wherein the

optional of yes when successful and no if not, Gehman); and

in response to a determination that the at least one operation is successful, synchronizing

said master data by applying said at least one operation to form a modified copy (Fig. 3A, S82,

Gehman) of the master data (Fig. 3B, step 98, Gehman). As stated above the Gehman reference

discloses all the limitations. However, the Gehman is silent with respect the computers being a non-legacy or legacy computers. On the other hand, Grimsrud discloses the use of both legacy and non-legacy computers. It would have been obvious to one of ordinary skill in the art at the time the invention was made to in incorporate the legacy and non-legacy computer in the Gehman system. Skilled artisan would have been motivated to do so in order to detect any changes or any hardware connected to the system as taught in Col. 3, lines 7-20, and Col. 8, lines 33-51, Grimsrud).

Regarding Claim 2, the combination of Gehman in view of Grimsrud discloses a method further comprising sending, by the second non-legacy computer, a synchronization protocol to the first non- legacy computer (Col. 3, lines 1-6, Gehman).

Regarding Claim 3, the combination of Gehman in view of Grimsrud discloses a method wherein said at least one operation further comprises at least two operations which are replayed by said first non-legacy computer sequentially (Col. 4, lines 20-26, Gehman).

Regarding Claim 4, the combination of Gehman in view of Grimsrud discloses a method wherein the replayed, by said first non-legacy computer further comprises:

sending by said first non-legacy computer the results from said at least one operation, to said second non-legacy computer (Col. 5, lines 14-18, Gehman); and

sending by said first non-legacy computer a new copy of the master data, to said second non-legacy computer (Col. 5, lines 20-24, Gehman).

Regarding Claim 5, the combination of Gehman in view of Grimsrud discloses a method further comprises:

responsive to a determination that the at least one operation, is not successful, not

synchronizing the master data (Fig. 3B step 96, the "no" option, Gehman).

Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gehman et al.

(Gehman hereinafter) US Patent No. 7,136,881 filed Dec. 15, 2000 in view of Grimsrud US

Patent No. 6,546,437 filed March 18, 1999, and further in view of Yousefi'zadeh US Patent No.

6,950,848 filed May 5, 2000.

Regarding Claims 24, and 28, Yousefi'zadeh discloses an apparatus in a middle-tier

computer, comprising:

a processor; and a memory coupled to the processor (Fig. 1A, Yousefi'zadeh), wherein

the memory comprises instructions which, when executed by the processor, cause the processor

to:

receive, via a first software connector, at least one operation from a thin client computer,

wherein the thin client computer stores a copy of master data from a legacy computer and

executes the at least one operation on the copy of the master data (Col. 6, lines 42-45,

Yousefi'zadeh);

sequentially replay the at least one operation on the master data at the legacy computer

via a second software connector (Fig. 1A, Col. 15, lines 4-25, Yousefi'zadeh);

Yousefi'zadeh discloses all the limitations as stated above. However, Yousefi'zadeh is

silent with respect to in response to a determination that the at least one operation is successful,

synchronizing said master data by applying said at least one operation to form a modified copy

(Fig. 3A, S82, Gehman) of the master data (Fig. 3B, step 98, Gehman). As stated above.

Furthermore, the Gehman is silent with respect the computers being a non-legacy or legacy

computers. On the other hand, Grimsrud discloses the use of both legacy and non-legacy

computers. It would have been obvious to one of ordinary skill in the art at the time the invention

was made to in incorporate the legacy and non-legacy computer in the Gehman system. Skilled

artisan would have been motivated to do so in order to detect any changes or any hardware

connected to the system as taught in Col. 3, lines 7-20, and Col. 8, lines 33-51, Grimsrud).

Furthermore such that in response to a determination that the at least one operation is not

successful, the middle-tier computer does not synchronize the master data (Col. 7, lines 19-27,

Yousefi'zadeh).

Regarding Claims 25, 29, Yousefi'zadeh in view of Grimsrud and further in view of

Gehman discloses an apparatus wherein instructions further cause the processor to:

receive a synchronization protocol from the thin client computer via the first software

connector (Col. 3, lines 1-6, Gehman).

Regarding Claims 26, 30,Yousefi'zadeh in view of Grimsrud and further in view of

Gehman discloses an apparatus wherein the at least one operation further comprises at least two

operations that are replayed by the middle-tier computer sequentially (Col. 4, lines 20-26,

Gehman).

Regarding Claims 27, 31, Yousefi'zadeh in view of Grimsrud and further in view of

Gehman discloses an apparatus wherein replaying the at least one operation on the master data at

the legacy computer further comprises:

sending the results from the at least one operation to the thin client computer via the first

software connector (Col. 5, lines 14-18, Gehman); and

sending the new master data to the thin client computer via the first software connector

(Col. 5, lines 20-24, Gehman).

Response to Arguments

Applicant's arguments filed 2/20/09 have been fully considered but they are not

persuasive.

Applicant argues "Gehman does not teach or suggest executing at least one operation in a

copy of the master data in a second non-legacy computer".

Examiner disagrees. The argued limitation was rejected under 112 for being unclear and

the applicant did not clarify the rejected limitation. Therefore the 112 rejection has been

sustained and finalized. Furthermore the applicant argued the applied art fail to disclose the

argued limitation, to the best of the Examiner ascertain the argued limitation is disclosed in

Gehman Col. 3, lines 40-55, wherein the teaching of manipulating data within master directory

database and the replicating the manipulated data within master directory event system to a client

corresponds to the copy of the master data to a non-legacy computer.

Applicant argues the Gehman does not teach or suggest a determination of whether the

first non-legacy computer successfully executed".

Examiner disagrees. Gehman in Fig. 3A step S82 clearly discloses the "YES" which

corresponds to successfully execute and the "NO" to the unsuccessfully executed.

Applicant argues there is no motivation in combining the Gehman and the Grimsrud

references.

Examiner disagrees. The Gehman system would benefit from the combination with the Grimsrud since it will add a feature which (legacy and non-legacy communication) will improve the performance of the Gehman reference when detecting any changes to the system and this way the system would by aware of all new changes such as new hardware connected to the system. Therefore the examiner believes there is an improvement to the Gehman system when combined with the Grimsrud.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Point of Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sana Al-Hashemi whose telephone number is 571-272-4013. The examiner can normally be reached on 8Am-4:30Pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Pierre Vital can be reached on 571-272-4125. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Sana Al-Hashemi/
Primary Examiner, Art Unit 2156
March 8, 2010